

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:05-CR-100
Hon. David W. McKeague

LONNELL ANDRE PETERSON,

Defendant.

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REPORT AND RECOMMENDATION

Pursuant to W.D. Mich. LCrR 11.1 and upon a request of the district court, I conducted a felony plea hearing in this matter on June 16, 2005, after receiving the written consent of the defendant, the defendant's attorney, and the attorney for the government. These consents were also placed on the record in open court.

Defendant Lonnell Andre Peterson is charged in Count 1 of a four-count Indictment with possession of 50 grams or more of crack cocaine with the intent to distribute it. I reviewed the facts with the defendant which show that he committed the offense charged. Briefly stated, those facts show that defendant allowed a friend to bring cocaine into his home where the friend then cooked the cocaine into crack. From his experience as an army cook, defendant knew the substance involved exceeded 50 grams in quantity. Defendant anticipated receiving some of the crack cocaine so that he could sell it to others. The defendant was also apprehended with several rocks of crack cocaine in his pocket which he had found in his friend's van.

On the basis of this record, I found that defendant was competent to enter a plea of guilty and that his plea was knowledgeable and voluntary with a full understanding of each of the rights waived by the defendant, that the defendant fully understood the nature of the charge and the consequences of his plea, and that the defendant's plea had a sufficient basis in fact which contained all of the elements of the offense charged.

I also inquired into the plea agreement. I found the plea agreement to have been knowingly and voluntarily made and found that it fully reflected all of the promises made by the parties.

Accordingly, I accepted the plea of guilty, subject to final acceptance of the plea by the District Judge, and I specifically reserved acceptance of the plea agreement for the District Judge. I ordered the preparation of a presentence investigation report, and directed that a transcript of the proceedings be prepared and filed with the Clerk of the Court.

Recommendation

Based upon the foregoing, I respectfully recommend that the defendant's plea of guilty to Count 1 of the four-count Indictment be accepted, that the court adjudicate the defendant guilty of that charge, and that the written plea agreement be accepted at, or before, the time of sentencing.

Dated: June 17, 2005

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to de novo review by the district judge of the foregoing findings. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten (10) days after the plea hearing. See W.D. Mich. LCrR 11.1(b).